



*Bamister, M*

H025695

IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE OF THE )  
STATE OF CALIFORNIA, )

Plaintiff and Respondent, )

v. )

(Sup. Ct. No. CC241061)

STEVE KENT BADUE, )

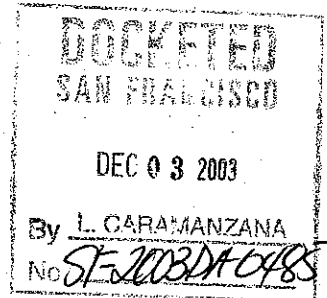
Defendant and Appellant. )  
\_\_\_\_\_ )

APPEAL FROM THE SUPERIOR COURT  
OF SANTA CLARA COUNTY

\_\_\_\_\_  
Honorable Rise Pichon, Judge Presiding  
\_\_\_\_\_

APPELLANT'S REPLY BRIEF

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appointment of the Court of Appeal



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APPELLANT'S REPLY BRIEF

## Introduction

In this reply brief, no attempt is made to set forth a response to each of respondent's contentions. Many of respondent's points are fully covered by Appellant's Opening Brief, and the issues thus joined. Only points requiring additional comment will be addressed.

\* \* \*

prosecution throughout the sentencing proceeding as a whole, but that his counsel failed to do so at specific points.” (*Id.*, at p. 697.)

In the present case, the public defender completely failed to do anything to advocate for appellant at his sentencing hearing (RT 84). Therefore, defense counsel’s lack of representation of appellant at the sentencing hearing went beyond omissions at only “specific points” as contemplated in *Bell*. (*Id.*)

Also, respondent overstates the minuscule effort expended by defenant’s lawyer. The advocacy that respondent attributes to defense counsel all involves pre-trial motions (RB 7-9); not the trial and sentencing hearing where the prosecution’s case should have been subjected to “meaningful adversarial testing.” (*Bell v. Cone, supra*, 535 U.S. at p. 697; *U.S. v. Cronin, supra*, 466 U.S. at p. 656; *Anders v. California* (1967) 386 U.S. 738, 743.)

Other than doing nothing during sentencing, at trial, defense counsel did not give an opening statement (RT 46), did not cross-examine any witnesses, (RT 52, 61, 66, 72), presented no evidence on appellant’s behalf (RT 73) and did not give a closing argument (RT 75).

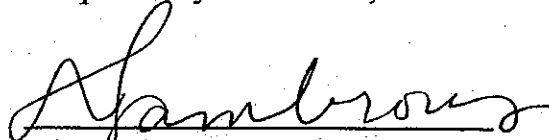
Defense counsel’s complete failure to advocate for appellant

during trial and sentencing constitutes denial of counsel. No specific showing of prejudice is required for this Court to reverse the judgment.

(*United States v. Cronin*, *supra*, 466 U.S. at p. 659.)

Dated: December 1, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Lambrous", written over a horizontal line.

Alexander Lambrous  
Attorney for Appellant by  
appointment of the Court of  
Appeal

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am over eighteen years of age, and not a party to this action. My business address, in the County of Santa Barbara, in the State of California, is 610 Anacapa Street, P.O. Box 20211, Santa Barbara, CA 93120-0211.

On December 1, 2003 I served the APPELLANT'S REPLY BRIEF, in case no. H025695, on the parties legally entitled to service, by placing true copies thereof enclosed in sealed envelopes addressed as follows:

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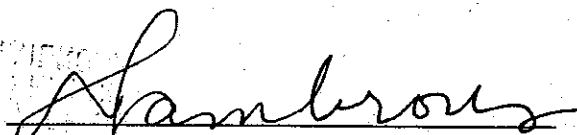
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I caused such envelopes with postage thereon fully prepaid to be placed in the United States Mail at Santa Barbara, California. I declare under the penalty of perjury under the laws of the State of California that the above is true and correct. Executed December 1, 2003, at Santa Barbara, California.

  
Alexander Lambrous